

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAR 28 2022

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

In re: U.S. DEPARTMENT OF
EDUCATION; MIGUEL A. CARDONA, in
his official capacity as Secretary of the
Department of Education,

U.S. DEPARTMENT OF EDUCATION;
MIGUEL A. CARDONA, in his official
capacity as Secretary of the Department of
Education,

Petitioners,

v.

UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF
CALIFORNIA, SAN FRANCISCO,

Respondent,

THERESA SWEET; et al.,

Real Parties in Interest.

No. 21-71108

D.C. No. 3:21-mc-80075-WHA
Northern District of California,
San Francisco

ORDER

In re: ELISABETH DEVOS, Former U.S.
Secretary of Education,

ELISABETH DEVOS, Former U.S.
Secretary of Education,

Petitioner,

No. 21-71109

D.C. No. 3:21-mc-80075-WHA

v.

UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF
CALIFORNIA, SAN FRANCISCO,

Respondent,

CHENELLE ARCHIBALD; et al.,

Real Parties in Interest.

Before: PAEZ, M. SMITH, and NGUYEN, Circuit Judges.

A judge of this court has sua sponte called for a vote to determine whether this case should be reheard en banc. The parties are directed to file simultaneous briefs setting forth their respective positions as to whether this case should be reheard en banc. The briefs shall not exceed 15 pages or 4,200 words and shall be filed within twenty-one (21) days of the date of this order.